

AGNIFILO INTRATER

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August 27, 2025

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square, Courtroom 443
New York, NY 10007

MEMO ENDORSED

**Re: *United States v. Alon Alexander, Oren Alexander & Tal Alexander,*
24 Cr. 676 (VEC)**

Dear Judge Caproni:

We write to seek an extension for defense expert disclosures, currently scheduled for August 29, 2025, to a date approximately two weeks after the government finishes producing Rule 16 material and discloses its Jencks Act material. The government objects to this request.

First, the parties have met and conferred regarding a schedule for a number of issues we expect to arise prior to trial: FRE 404(b) notice, FRE 413 and 414 disclosures; Jencks Act disclosure; a Rule 16 deadline for the government; FRE 412 notice; requests to charge; witness and exhibit lists; and the defense's Rule 26.2 material disclosure. At this time, we have not come to an agreement, but we expect to present our proposals to the Court in the coming days.

Second, the government is still in the process of producing substantial discovery and has reiterated to the defense that their investigation is continuing. This discovery includes 5.6 TB in material that the government is producing this week. The government also has advised counsel that they are in possession of warrant returns from four additional devices and they do not have any estimated date as to when they will produce the warrant returns from these devices. In essence, the defense is in an untenable situation of having to disclose and notice expert witnesses when we have not received several *terabytes* of discovery.

When the Court set the defense's expert deadline of August 29, 2025, no one expected that so much discovery would still be outstanding four months before trial. Because of these disclosure issues, the defense would be prejudiced by having to notice experts when, to date, the government has: (1) redacted any references to any of the named victims in discovery (contrary to requirements under Rule 16 and with no basis in the Protective Order); (2) still has more than 5 TB of discovery to produce and cannot give counsel a timeline as to when the remaining discovery will be produced; and (3) are continuing their investigation.

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The government has noticed several experts, and at least two will possibly be subject to *Daubert* motions: (1) a purported expert on rape trauma syndrome, who the government wants to opine on supposed behaviors exhibited by certain people after alleged victimization; and (2) a purported toxicology expert to opine on several different drugs (evidence of which has not yet been produced in discovery). Without an understanding of the alleged victims' claims or the evidence underscoring their counts (or even their names), without discovery on these specific issues and without a massive amount of discovery over which we will be defending a case, the defendants would be prejudiced severely if they have to notice experts on the current schedule.

Accordingly, we request that the Court adjourn the date of the defense's expert disclosures until the government finishes producing Rule 16 material and discloses its Jencks Act material. Thank you for your consideration.

Respectfully submitted,



Marc Agnifilo
Zach Intrater
Teny Geragos
Agnifilo Intrater LLP
445 Park Avenue, 7th Fl.
New York, NY 10022
Tel: (646) 205-4350
marc@agilawgroup.com
zach@agilawgroup.com
teny@agilawgroup.com

Richard Klugh
Jenny Wilson
Klugh Wilson LLC
40 N.W. 3rd Street, PH1
Miami, FL 33128
Tel: 305-536-1191
rickklu@aol.com
jw.klughlaw@gmail.com

Howard Srebnick
Jackie Perczek
Black Srebnick, P.A.
201 South Biscayne Blvd.
Suite 1300, Miami, FL 33131
Tel: (305) 371-6421
hsrebnick@royblack.com

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jperczek@royblack.com

Jason Goldman
The Law Offices of Jason Goldman
275 Madison Avenue, 35th Floor
New York, NY 10016
Tel: 212-466-6617
jg@jasongoldmanlaw.com

Milt L. Williams, Jr.
Alexander V. Kahn
Deanna Paul
Walden Macht Haran & Williams LLP
250 Vesey Street, 27th Floor
New York, New York 10281
Tel: (212) 335-2381
mwilliams@wmhwlaw.com
akahn@wmhwlaw.com
dpaul@wmhwlaw.com

Application GRANTED in part. Defendants' August 29, 2025 deadline to submit expert disclosures and the Government's September 5, 2025 deadline to submit rebuttal expert disclosures are ADJOURNED *sine die*.

Given the volume of Rule 16 discovery that remains outstanding, an extension of the above-referenced deadlines until such discovery is substantially completed is appropriate. It is unnecessary, however, to delay expert disclosures until after the Government provides Jencks Act material or identifies the names of the victims.

By **Friday, September 5, 2025**, the parties are directed to meet and confer and file a joint letter via ECF proposing deadlines for defense expert and rebuttal expert disclosures that accounts for Defendants' need to review any remaining Rule 16 discovery.

SO ORDERED.

 8/28/2025

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE